

AMENDED IN ASSEMBLY APRIL 23, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 400

Introduced by Assembly Member Fong
(Coauthor: Assembly Member Gatto)

February 15, 2013

An act to add Sections 336.7 and 9011.5 to the Elections Code, relating to petitions.

LEGISLATIVE COUNSEL'S DIGEST

AB 400, as amended, Fong. Petitions: initiative, referendum, or recall.

(1) Existing law requires that an initiative petition contain specified language advising the public of its right to determine whether the person circulating the petition is a paid signature gatherer or a volunteer.

This bill would require a state or local initiative, referendum, or recall petition circulated by a paid circulator, as defined, who is paid by a committee to include a disclosure statement identifying the persons from whom the committee received the 5 largest cumulative contributions in support of the measure and the name of their employer, if 2 or more of these contributors have the same employer. The bill would require this disclosure statement to be updated within 7 days of any change in the 5 largest cumulative contributors. The bill would require a committee that employs one or more paid circulators for the purpose of circulating an initiative, referendum, or recall petition to submit the disclosure statement, and any updates to it, to the Secretary of State for posting on his or her Internet Web site.

By imposing additional requirements on local elections officials with respect to petitions, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 336.7 is added to the Elections Code, to
2 read:

3 336.7. "Paid circulator," for the purpose of circulating an
4 initiative, referendum, or recall petition, means a person who is
5 compensated in any manner for collecting petition signatures to
6 qualify a state or local initiative, referendum, or recall measure.

7 SEC. 2. Section 9011.5 is added to the Elections Code, to read:

8 9011.5. (a) (1) Notwithstanding any other provision of law,
9 a state or local initiative, referendum, or recall petition required
10 to be signed by voters and circulated by a paid circulator who is
11 paid by a committee formed pursuant to Section 82013 of the
12 Government Code shall include, in 12-point type at the top of the
13 petition, a disclosure statement ~~identifying~~ *that identifies* the names
14 of the persons from whom the committee received the five largest
15 cumulative contributions.

16 (2) If more than five persons meet the disclosure threshold
17 described in paragraph (1) and have made identical cumulative
18 contributions, the five persons making the largest cumulative
19 contributions shall be disclosed according to chronological
20 sequence of receipt of the cumulative contributions.

21 (3) The disclosure statement required by paragraph (1) shall be
22 updated within seven days of any change in the five largest
23 cumulative contributors.

24 (4) A committee that employs one or more paid circulators to
25 circulate an initiative, referendum, or recall petition shall submit
26 the disclosure statement required by paragraph (1), and any updates
27 to that statement as required by paragraph (3), to the Secretary of
28 State, who shall post that statement on his or her Internet Web site.

1 (b) A committee that employs one or more paid circulators to
2 circulate an initiative, referendum, or recall petition shall print on
3 the petition, immediately following the disclosure statement
4 required pursuant to subdivision (a), its name and shall identify
5 itself using a name or phrase that clearly describes the economic
6 or other special interest of each person who contributed fifty
7 thousand dollars (\$50,000) or more. If two or more of these persons
8 have the same employer, the committee shall also include the
9 employer's identity in the disclosure statement.

10 (c) As used in this section, "cumulative contributions" means
11 the cumulative amount of contributions received by a committee
12 beginning 12 months prior to the date the committee made its first
13 expenditure to qualify or support the measure.

14 (d) This section shall not be construed to require a local elections
15 official to verify the accuracy of the information required by
16 subdivision (a) or (b) or to reapprove the petition upon the update
17 required by paragraph (3) of subdivision (a).

18 (e) Signatures collected on an initiative, referendum, or recall
19 petition shall not be invalid solely because the information required
20 by subdivision (a) or (b) was absent or inaccurate.

21 SEC. 3. If the Commission on State Mandates determines that
22 this act contains costs mandated by the state, reimbursement to
23 local agencies and school districts for those costs shall be made
24 pursuant to Part 7 (commencing with Section 17500) of Division
25 4 of Title 2 of the Government Code.